

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wan, Howard S.K.; Lin, Eric
Application No.: 08/853,035 Group No.: 2758
Filed: 5/02/1997 Examiner: R. Harrell
For: APPARATUS AND METHOD FOR NETWORK ACCESS USING A SET TOP BOX AND TELEVISION

Assistant Commissioner for Patents
Washington, D.C. 20231
Office of the Assistant Commissioner for Patents

PETITION FOR WITHDRAWAL OF ABANDONMENT

PETITION

1. Applicant petitions that the abandonment set forth in the notice mailed by the Office on May 17, 1999 be withdrawn.

SUBMISSION

2. Submitted herewith with respect to the above-captioned application is:

- A copy of a Notice to File Missing Parts of Application ("Notice of Missing Parts") for the above-captioned application having a mailing date of January 27, 1998 (attached hereto as Exhibit A).

- A copy of a Submission of Missing Parts of Application ("Submission") for the above-captioned application having a Rule 8a certificate of mailing date of March 25, 1998 and indicating payment of the fee for the Notice of Missing Parts via a deposit account (attached hereto as Exhibit B). Which

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:


MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 6/2/99

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.


Signature

R W B OLSON
(type or print name of person certifying)

- A copy of a Submission of Missing Parts of Application ("Submission") for the above-captioned application having a Rule 8a certificate of mailing date of March 25, 1998 and indicating payment of the fee for the Notice of Missing Parts via a deposit account (attached hereto as Exhibit B). Which Submission further included:

- A copy of Declaration and Power of Attorney papers collectively signed by all named inventors in and correctly identifying the above-captioned application by application serial no. and filing date (attached hereto as Exhibit C).

- A copy of Form PTO 1533, namely, a copy of the Notice of Missing Parts (*see*, Exhibit A).

- A copy of a return post card date stamped March 27, 1998 by the Patent and Trademark Office ("USPTO") indicating receipt of Exhibits A, B and C in the above-captioned application. (Attached hereto as Exhibit D.)

3. Applicants respectfully request that abandonment of the above-captioned application by the USPTO be withdrawn in view of attached Exhibits A through D, inclusive, which clearly indicate that all required items were filed and all fees were paid in a timely manner in the above-captioned application in response to the Notice of Missing Parts. Accordingly, as this abandonment occurred without fault of Applicants, Applicants respectfully request reinstatement of the above-captioned application as though no abandonment had ever occurred.

As it appears that the previously submitted papers may no longer be readily available, a copy of a previously submitted Information Disclosure Statement is enclosed herewith.

PETITION FEE

4. The petition fee (37 C.F.R. 1.17(h)) is paid as follows:

Charge Account No. **07-2339** the sum of **\$130.** ✓
A duplicate of this paper is attached.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by the papers submitted herewith or credit any overpayment to Account No. **07-2339**.

REQUEST FOR REFUND OF PETITION FEE

5. As no defect exists in applicant's previous submission, a refund of the petition fee submitted herewith is respectfully requested.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

6. Acknowledgment of the active status of this application is respectfully requested.

ALTERNATE HANDLING

7. Should the Office of Petitions determine that this matter should be handled as a Request for Reinstatement, rather than as a Petition for Withdrawal of Abandonment, Applicants respectfully request that this Petition and associated documentation be forwarded to the Examiner assigned the application for disposition.



SIGNATURE OF PRACTITIONER

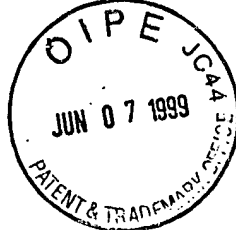
Tel. No.: (781) 466-4013

Customer No.: 021602

W. Eric Webostad,
Reg. No. 35,406
GTE Service Corporation
600 Hidden Ridge HQE03G13
Irving, TX 75038

RECEIVED

FEB 2 1998

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

PATENT DEPT.	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
---------------------	---------------------	-----------------------	---------------------------

08/853,035 05/02/97 LIN E 96-8-101

0242/0127

LEONARD CHARLES SUCHYTA
GTE SERVICE CORPORATION
40 SYLVAN ROAD MS31
WALTHAM MA 02254

HARRELL, R

2784

DATE MAILED:

01/27/98

NOTICE TO FILE MISSING PARTS OF APPLICATION
Filing Date Granted

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted **ALONG WITH THE PAYMENT OF A SURCHARGE** for items 1 and 3-6 only of \$ 130.- for a ☒ large entity ☐ small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

If all required items on this form are filed within the period set above, the total amount owed by applicant as a
☒ large entity ☐ small entity (verified statement filed), is \$ 130.-.

- ☐ 1. The statutory basic filing fee is:
- ☐ missing.
 - ☐ insufficient.

Applicant must submit \$ _____ to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. Additional claim fees of \$ _____, including any multiple dependent claim fees, are required.
Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☐ 3. The oath or declaration:
- ☐ is missing.
 - ☐ does not cover the newly submitted items.
 - ☐ does not identify the application to which it applies.
 - ☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☒ 4. The signature(s) to the oath or declaration is/are:
- ☐ missing.
 - ☐ by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.
- A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$ _____ processing fee is required since your check was returned without payment (37 CFR 1.21(m)).
- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.
- ☐ 8. The application does not comply with the Sequence Rules.
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."
- ☐ 9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the response.

19. Day / UNIT 4
Customer Service Center
Patent Examination Division (703) 205-1200

EXHIBIT B

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this correspondence (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231.



Mary Anza

Date

3/25/98

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re. Application Of : Howard S.K. Wan et al.
Serial No. : 08/853,035
Filed : 5/2/97
Title : APPARATUS AND METHODS FOR NETWORK ACCESS
USING A SET TOP BOX AND TELEVISION

SUBMISSION OF MISSING PARTS OF APPLICATION

ASSISTANT COMMISSIONER
FOR PATENTS
WASHINGTON, DC 20231

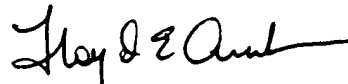
Dear Sir:

The following papers are submitted in response to Form PTO-1533, Notice to File Missing Parts of Application - Filing Date Granted. Acceptance and entry of these papers is respectfully requested. The Assistant Commissioner for Patents is authorized to charge my Deposit Account 07-2339 in the amount of \$130.00. The Assistant Commissioner for Patents is also authorized to charge any additional fees or credit any overpayment resulting from the papers submitted herewith to Deposit Account 07-2339. **This letter is submitted in duplicate.**

1. Declaration and Power of Attorney signed by Howard S.K. Wan and Eric Lin, as required in the above-entitled application by Form PTO-1533.

Filing of these papers is respectfully requested.

Respectfully submitted,



Floyd E. Anderson
Attorney for Applicant
Reg. No. 33,825

GTE Service Corporation
40 Sylvan Road
Waltham, MA 02254
Telephone No. 781-466-4016
Facsimile: 781-466-4021
Enclosure

EXHIBIT C



Docket No. 96-8-101

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated blow next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

APPARATUS AND METHODS FOR NETWORK ACCESS USING A SET TOP BOX AND TELEVISION

the specification of which (check one) ☐ is attached hereto ☒ was filed on **May 2, 1997**, as Application Ser. No. **08/853,035** and was amended on _____ (if applicable). I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign/PCT Application(s) and any priority claims under 35 U.S.C. §119:		Priority
		Claimed
		<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
_____ (Number)	_____ (Country, if PCT so indicate) (DD/MM/YY Filed)	Yes No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

(Application Number)

October 8, 1996
(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in

Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)

PCT Applications designating the United States:

(PCT Appln. No.)	(U.S. Ser. No.)	(PCT Filing Date)	(Status-patented, pending, abandoned)

I hereby appoint the following attorney(s) and /or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Leonard Charles Suchyta, Reg. No. 25,707

and Floyd E. Anderson, Reg. No. 33,825

Address all telephone calls to **Leonard Charles Suchyta** at telephone no. (617) 466-4016.

Address all correspondence to

**Leonard Charles Suchyta
GTE Service Corporation
40 Sylvan Road, MS31
Waltham, MA 02254**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Signature

Full name of sole or first inventor

Citizenship

Residence

Post Office Address

Howard S. K. Wan

Inventor's Signature

Full name of second or joint inventor

Citizenship

Residence

Post Office Address

Date

Eric Lin

United States of America

227 Fords Road, Westwood, MA 02090

227 Fords Road, Westwood, MA 02090

2/26/1998

Date

Howard S. K. Wan

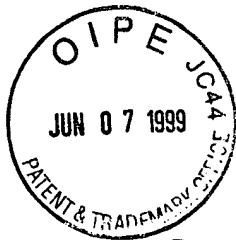
United States of America

552 Main Street, Suite #4, Waltham, MA 02154 HW

552 Main Street, Suite #4, Waltham, MA 02154 HW

32 Lawrence Lane, Lexington, MA 02173

32 Lawrence Lane, Lexington, MA 02173



Docket No. 96-8-101

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated blow next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

APPARATUS AND METHODS FOR NETWORK ACCESS USING A SET TOP BOX AND TELEVISION

the specification of which (check one) ☐ is attached hereto ☒ was filed on **May 2, 1997**, as Application Ser. No. **08/853,035** and was amended on _____ (if applicable). I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

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I hereby claim the foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign/PCT Application(s) and any priority claims under 35 U.S.C. §119:		Priority
		Claimed
		<input type="checkbox"/> <input type="checkbox"/>
(Number)	(Country, if PCT so indicate) (DD/MM/YY Filed)	Yes No

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(Application Number)

October 8, 1996
(Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in

Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status-patented, pending, abandoned)

PCT Applications designating the United States:

(PCT Appln. No.)	(U.S. Ser. No.)	(PCT Filing Date)	(Status-patented, pending, abandoned)

I hereby appoint the following attorney(s) and /or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Leonard Charles Suchyta, Reg. No. 25,707

and Floyd E. Anderson, Reg. No. 33,825

Address all telephone calls to **Leonard Charles Suchyta** at telephone no. (617) 466-4016.

Address all correspondence to

Leonard Charles Suchyta

GTE Service Corporation

40 Sylvan Road, MS31

Waltham, MA 02254

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Eric Lin

Inventor's Signature

Full name of sole or first inventor

Citizenship

Residence

Post Office Address

3/7/1998

Date

Eric Lin

United States of America

227 Fords Road, Westwood, MA 02090

227 Fords Road, Westwood, MA 02090

FORBES

2/26/1998

Date

Howard S. K. Wan

Inventor's Signature

Full name of second or joint inventor

Citizenship

Residence

Post Office Address

Howard S. K. Wan

United States of America

~~552 Main Street, Suite #4, Waltham, MA 02154~~ HW

~~552 Main Street, Suite #4, Waltham, MA 02154~~ HW

32 Lawrence Lane, Lexington, MA 02173

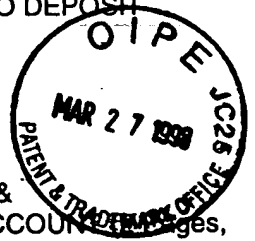
32 Lawrence Lane, Lexington, MA 02173

EXHIBIT D



RECEIVED IN THE U.S. PATENT & TRADEMARK OFFICE

In re. Application of Howard S.K. Wan et al., SN 08/853,035 filed 5/2/97 for
APPARATUS AND METHODS FOR NETWORK ACCESS USING A SET
TOP BOX AND TELEVISION consisting of:
TRANSMITTAL LETTER FOR MISSING PARTS WITH CERTIFICATE OF
MAILING AND AUTHORIZATION TO CHARGE FEES TO DEPOSIT
ACCOUNT (2 Pages, In Duplicate);
COPY OF FORM PTO 1533 (1 Page);
DECLARATION & POWER OF ATTORNEY (4 Pages);
RECORDATION COVER SHEET (1 Page);
ASSIGNMENT (2 Pages);
IDS TRANSMITTAL WITH CERTIFICATE OF MAILING &
AUTHORIZATION TO CHARGE FEES TO DEPOSIT ACCOUNT (2 Pages,
In Duplicate);
FORM PTO 1449 (1 Page);
2 REFERENCES



96-8-101 MAILED: 3/25/98 FEA:ma

1#

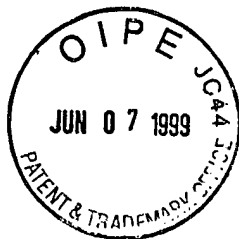
PATENT DEPT.

APR 6 1998

RECEIVED

FLOYD E. ANDERSON
GTE SERVICE CORPORATION
40 SYLVAN ROAD
WALTHAM, MA 02254





PATENT
Attorney Docket No. 96-8-101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

I hereby certify that this Information Disclosure Statement and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date, 3/25/98, with sufficient postage as first class mail addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Mary Anza

(typed or printed name of person mailing paper)

Mary Anza

(Signature of person mailing paper)

In re Application of:

Howard S.K. Wan et al.

Serial No.: 08/853,035

Filed: May 2, 1997

For: APPARATUS AND METHODS
FOR NETWORK ACCESS
USING A SET TOP BOX AND
TELEVISION

Group Art Unit: 2784

Examiner: R. Harrell

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. Copies of the listed documents are attached.

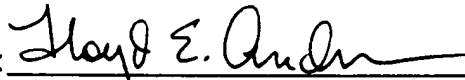
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines

that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

This Information Disclosure Statement is being filed before receipt of a first Office Action on the merits for the above-referenced application. Should a first action on the merits have been issued on the same day or before this Information Disclosure Statement is filed, please accept this Information Disclosure Statement under Rule 97(c) and charge the requisite Rule 17(p) fee to our Deposit Account No. 07-2339 and proceed to consider this Information Disclosure Statement.

Respectfully submitted,

By: 

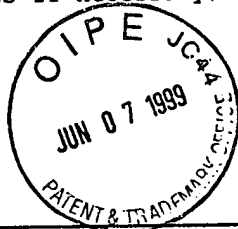
Floyd E. Anderson
Reg. No. 33,825

Date: March 24, 1998

GTE Service Corporation
40 Sylvan Road
Waltham, MA 02254
781/466-4016

INFORMATION DISCLOSURE CITATION

(Use several sheets if necessary)

Atty. Docket No.
96-8-101Serial No.
08/853,035

Applicant

Howard S.K. Wan et al.

Filing Date
May 2, 1997Group
2784

U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date If Appropriate
	AB	4,780,758	10/25/88	Lin et al.	358	86	2/24/88
	AA	4,816,905	5/28/89	Tweedy et al.	358	86	4/30/87

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

Examiner

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Best Available Copy



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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08/853,035 05/02/97 LIN

MAY 24 1999

E 96-8-101

0212/0517 PATENT DEPT.

LEONARD CHARLES SUCHYTA
GTE SERVICE CORPORATION
40 SYLVAN ROAD MS31
WALTHAM MA 02254

HARRELL, R

DATE MAILED:000

PTD mistake
Deducted @

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53(f) or (g)
(Filing Date Granted)

05/17/99

The above identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on: 1-27-98.

- ☒ No reply was received.
- ☐ The reply received on _____ was untimely.
- ☐ The reply received on _____ was improper. The reply did not include:
- ☒ 1. The surcharge under 37 CFR 1.16(e) required for filing the basic filing fee or oath or declaration on a date later than the filing date of a nonprovisional application.
 - ☒ 2. The surcharge under 37 CFR 1.16(i) required for filing the basic filing fee or cover sheet on a date later than the filing date of a provisional application.
 - ☒ 3. The full amount of the basic filing fee under 37 CFR 1.16(a), (f), (g), (h).
- (Note: A nonprovisional application may not be relied on for benefits under 35 U.S.C. 120 and 37 CFR 1.78 unless the processing and retention fee set forth in 37 CFR 1.21(l) is paid within the one year period set forth in 37 CFR 1.53(f). A provisional application may not be relied on for benefits under 35 U.S.C. 119(e) and 37 CFR 1.78 unless the basic filing fee is paid).
- ☐ 4. The oath or declaration of all the inventors required under 37 CFR 1.63 for this nonprovisional application.
- ☐ The letter of Express Abandonment filed on _____ is acknowledged; however, the application is abandoned for failure to timely or properly reply to the Notice as indicated above.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(c).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

Customer Service Center
Initial Patent Examination Division (703) 308-1202